Sch. II-48—19 '33—11 3-1

# P.W. (1921) Department

M.W. SERIES.

G.O. No. 790

DATED 12 - 11 - 21

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[Despatch Abstract.]

Criminal Procedure Code - Section 144 - Order made - by the ~~District~~ Sub Divisional Magistrate, Kanjikode - Extension of - Despatch.

C.F. 29—1,296 24-12-19.

Home (Judicial) DEPARTMENT.

Received 5th NOV 1921 19

Registered CURRENT NO. 6003 19

Subject.

Order under Section 144 C.P.C. against D. K. Bharadvaja, Govinda Rao; Umesha Rao, Kogga alias Sanatanadas, Jamaluddin Saheb alias Miya Saheb of Mangalore - extension of order - recommended.

ENCLOSURES.
No. 4.
Spare copies

Ref. No. 2626-M-21.

Station Mangalore, Dated the 2nd November 1921.

From (Name) R. H. Ellis Esquire, I.C.S.,

(Designation) District Magistrate of South Kanara.

To. The Secretary to the Government of Madras.

Home (Judicial) Department.

Sir,

In submitting herewith the records of Mis.Case - Nos.6, 7, 8 and 9 of 1921 on the file of the Sub-Divisional Magistrate, Mangalore, I request that Government may be pleased to extend the orders issued in these --- cases for a period of six months, from the date of ----- expiry of the order passed by the Sub-Divisional Magistrate. Prompt action taken by the Magistrate against these five persons, under Section 144 C.P.C. had the -- desired effect of putting down irresponsible, violent - and exciting speeches in Mangalore Town and Taluk. Most of these speakers were among other things referring to

the Malabar events and considering that this District is very close to Malabar and that the rebellion there is still continuing, I am of opinion that it is absolutely necessary to -- have the orders passed under Section 144 C.P.C. extended, as - recommended above.

3.XI.21

For District Magistrate.

3.XI.21

3.XI.21

Public Dept

cf From the Dist S. Kanara, 2626 - M - 21 dt 2-11-21.

Criminal Procedure Code - Section 144 - order under — extension.

US

This is a subject to be dealt with in detail - the cl was read in Home on 5-11. transfd to Jud & then passed on to Public 8-11-21

Records put up herewith

The S.D.M. Mangalore passed orders on various dates under Section 144 Cr.P.C. in the case of the following five persons prohibiting them from convening, attending or addressing public meetings in the town and Taluk of Mangalore for a period of two months. The dates of expiry of the orders is noted against each :—

| | | Name | Date of order under 144 Cr.P.C | Date of Expiry of order. |
|---|---|---|---|---|
| p. 16. | I | 1. D. K. Bharadwaja Editor, Tilak Sandesh | 14.9.21 | 14.11.21. |
| p 16 | II | 2. U. Govinda Rao Teacher Tilak Vidyalaya | 24.9.21 | 24.11.21 |
| p. 16 | II | 3. Umesha Rao Headmaster Tilak Vidyalaya | 24.9.21 | 24.11.21 |
| | III | 4. Kogga, alias Santhanadas | 3.10.21 | 3.12.21 |
| | IV | 5. Jamal-ud-din Sahib alias Miya Saheb of Mangalore | 20.10.21 | 20.12.21. |

2 The Dist requests that the orders issued by the S. Dist. in the above cases may be extended for a period of 2 months from the date of the expiry of the order in each case for the reason stated in cl.

3 There are no precedents in Public Dept.

V/

Where prohibition order under Section 144 CPC was extended by Govt in the case of persons connected with N.C.O movement from addressing meetings, likely to cause a breach of the peace.
The Dm's present appn is apparently the first of its kind received by Govt.

3 If the Dm's recommendation is accepted a notification has to ~~issue~~ be published in the gazette before the expiring of the date of the S'Dm's orders. [In many cases this cannot be done in the case of No (1) - para 1 above - as the next gazette will appear only on 15th i.e after the expiring of the order - the Dm or the S'Dm can issue a fresh order ~~after~~ for 2 more months after the expiring of the present order - may the Govt be asked by wire to do so?

- 144 (5) Cr. Pc
- order was passed on [illegible]
The Dm's letter asking for extension is d? 3.11.21!

4 As regards the rest, ~~may~~ a notification may issue?

PR.D 9.11.21

Nos 1, 2 & 3 are the only ones who replied to the order: and they all three expressly state that they are ~~doing~~ advocating non violence because Congress had not yet declared 'Civil disobedience' (I-p 16 II-p 16 print letter). Congress has now 'declared Civil disobedience'. This strongly reinforces the Dm's argument (1 & 2 pp).

10/11.

I submit it is not the practice for Govt to extend such orders under section 144 Cr.Pc. This is

Secrt. II—10 (a)—36,003—21-1-18. (6)

Public DEPARTMENT.

| | Initials. | Date. |
|---|---|---|
| Received in Fair-copying Section. | | |
| Copied | | |
| Examined | GV | 14/XI |
| Signed | | |
| Despatched | GV | 14/11 |

Criminal Procedure Code - Section 144 - ~~Sanction~~ order under — made by the S Dm Mangalore - extension of — declined

READ AGAIN G.O. No. ....., dated ..... 191

" " " " ..... " ..... 191

READ ALSO:—

C. No. ....., From the Dm S Kanara, No. 2626-M/24 dated 2-11 1921.

" " ..... " " ..... " ..... " ..... 191.

" " Docket " " ..... " ..... " ..... 191.

ORDER. No. 790, dated 12-11 1921.

The ~~Govt~~ don't think ~~are not~~ ~~inclined to~~ meet an sufficient ground for entending ~~extend~~ the order under Section 144 C.P.C. passed by the S Dm (S. Kanara) prohibiting certain persons from ~~Speaking~~ Conducting processions or addressing public meetings in the town & Taluk of Mangalore. 2. If the men speak again in a way likely to disturb the public tranquillity the local magistrate if necessary can prohibit them for another 2 months under S. 144 C.P.C. but the most appropriate way of dealing with such cases under the Security Sections, is to take action of the persons concerned, if their conduct & the Evidence available warrant that course.

Mangalore.

of continued action likely to disturb the public tranquillity & to take action

To The Dm S Kanara

9 TO with records returned

DD 12/11 — 12/11/21